



**CITY OF MORGAN HILL**  
**COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

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**PLANNING COMMISSION**

**TUESDAY, SEPTEMBER 26, 2006**

**CITY COUNCIL CHAMBERS**  
**CIVIC CENTER**  
**17555 PEAK AVENUE**  
**MORGAN HILL, CA**

**COMMISSIONERS**

CHAIR ROBERT J. BENICH  
VICE-CHAIR ROBERT L. ESCOBAR  
COMMISSIONER H. GENO ACEVEDO  
COMMISSIONER SUSAN KOEPP-BAKER  
COMMISSIONER MIKE R. DAVENPORT  
COMMISSIONER RALPH LYLE  
COMMISSIONER JOSEPH H. MUELLER

**REGULAR MEETING - 7:00 P.M.**

**\*\*\* A G E N D A \*\*\***

**NOTICE TO THE PUBLIC**

*The following policies shall govern the conduct of the Planning Commission meetings:*

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
  - *Those supporting the application*
  - *Those opposing the application*
  - *Those with general concerns or comments*
  - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

**OPEN PUBLIC COMMENT PERIOD (5 MINUTES)**

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

**MINUTES:** September 12, 2006

**PUBLIC HEARINGS:**

- 1) **ZONING AMENDMENT, ZA-04-05: CITY OF M.H.- ADOPTION OF HISTORIC  
CONTEXT STATEMENT:** The Planning Commission is requested to review the Historic Context Statement and forward a recommendation of approval to the City Council.

**Recommendation:** Adopt Resolution recommending Council adoption of the Historic Context Statement.

- 2) **DEVELOPMENT AGREEMENT AMENDMENT, DAA-05-05: CENTRAL-DELCO:** A request for approval of a development agreement amendment for a 39-lot single-family attached development proposed on a 5.46 acre site located on the east side of Butterfield Blvd., north of Central Ave. at the northerly termination of Calle Mazatan. The site is zoned R-2 3,500 Medium Density Residential. The amendment request is to extend the development schedule to allow for additional time to submit and obtain building permits. (APN 726-26-004)

**Recommendation:** Open Public Hearing/Adopt Resolution recommending City Council approval.

- 3) **GENERAL PLAN AMENDMENT, GPA-05-02/ZONING AMENDMENT, ZA-05-03:  
TILTON- BARNICK:** A request for approval to change the General Plan land use designation and Zoning designation on an approximate 7.84-acre site from Single Family Low (1-3 du/ac) to Multi-Family Low (5-14 du/ac) and from R1-12,000 and R1-20,000 (Single Family Low Density Residential) to R2-3,500 (Medium Density Residential), respectively. The project site is located on the northwest corner of Tilton Ave. and Monterey Rd. A mitigated Negative Declaration is proposed. (APN 712-09-001)

**Recommendation:** Open Public Hearing/ Continue request to the October 24, 2006 Commission meeting.

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- 4) **USE PERMIT, UP-06-07: PERSING-CONDIT:** A request for approval of a conditional use permit to allow for the operation of a 10,291 sq. ft. Patio World facility on a one-acre site located on the west side of Condit Rd. adjacent to the north side of the Harley Davidson retail facility. (APN 817-13-026)

**Recommendation:** Open Public Hearing/Adopt Resolution approving request.

### **TENTATIVE UPCOMING AGENDA ITEMS FOR THE OCTOBER 10, 2006 MEETING:**

- **UPA-98-08: DeWitt-Sonshine School/Presbyterian Church**
- **ZA-06-12: City of M.H.-Text Amendment for Exceptions & Modifications Chapter 18.56**

### **ANNOUNCEMENTS:**

### **CITY COUNCIL REPORTS**

### **ADJOURNMENT**

### **SPEAKER CARD**

*IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.*

### **NOTICE**

### **AMERICANS WITH DISABILITY ACT (ADA)**

*The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.*

*If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.*

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**NOTICE**

*NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.*

**NOTICE**

*The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*